

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

OSCAR OLIVA,)	
Petitioner)	
)	
v.)	C.A. No. 20-11190-MLW
)	
UNITED STATES OF AMERICA.)	
)	

MEMORANDUM AND ORDER

WOLF, D.J.

September 8, 2022

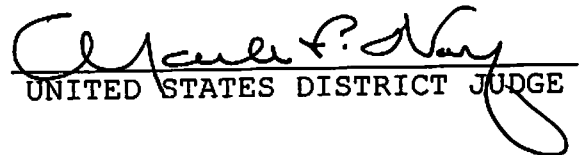
In 2018, petitioner Oscar Oliva was sentenced to sixty-six months in custody and thirty-six months of supervised release for conspiracy to sell firearms, possession with intent to distribute cocaine base, and being a felon in possession of a firearm. See Judgment (Dkt. No. 395, 1:16-cr-10165).

On June 22, 2020, Oliva filed a Motion to Vacate Conviction (Dkt. No. 1) (the "Motion to Vacate") pursuant to 28 U.S.C. §2255 and Rehaif v. United States, 139 S. Ct. 2191 (2019). On the same day, the parties jointly filed a Motion to Stay Proceedings and a Proposed Schedule for Further Filings (Dkt. No. 2) ("Motion to Stay"). The court granted this request and adopted the parties' proposed schedule. See Dkt. No. 4.

Pursuant to this schedule, Oliva was required to file a memorandum in support of his Motion to Vacate by August 21, 2020. See Motion to Stay (Dkt. No. 2) at 1. No such memorandum was filed. On October 21, 2020, Oliva's attorney, Victoria Kelleher, Esq., emailed the Deputy Clerk that she planned to file a memorandum on

Oliva's behalf within two weeks. See Email Correspondence from Ms. Kelleher to the Deputy Clerk, Exhibit 1. On September 22, 2021, Ms. Kelleher again informed the court that she planned to either file a memorandum within two weeks or notify the court that she did not intend to file anything. See id. No such memorandum was filed, and the court has received no further correspondence from Ms. Kelleher about this case.

Nothing has been filed on the docket in this case since June 24, 2020. As nothing has been docketed for more than a year, it is hereby ORDERED that the Clerk shall issue a notice that this case will be dismissed without further notice unless, by October 7, 2022, plaintiff submits a persuasive explanation for why it should not be dismissed for want of prosecution. See Rule 41.1(a)(1), (3) of the Local Rules of the United States District Court for the District of Massachusetts.


UNITED STATES DISTRICT JUDGE